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RUEHNE/AMEMBASSY NEW DELHI 2146  
RUEHKO/AMEMBASSY TOKYO 2406  
RUEHWL/AMEMBASSY WELLINGTON 2985  
RUEHHK/AMCONSUL HONG KONG 2908  
RUEHBD/AMCONSUL PERTH 1069  
RUEAIIA/CIA WASHDC  
RUEAWJA/DEPT OF JUSTICE WASHDC  
RUEATRS/DEPT OF TREASURY WASHDC  
RHEFDIA/DIA WASHINGTON DC  
RHHJJPI/USPACOM HONOLULU HI  
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001611

SENSITIVE  
SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, INR/EAP, PM, INL (ROSS)  
DEPT FOR EEB/IFD/OMA  
DOJ FOR AAG SWARTZ, OPDAT FOR LEHMANN/ALEXANDRE  
SECDEF FOR USDP/ISA/APSA D.WALTON  
NSC FOR EPHU

E.O. 12958: DECL: 08/25/2018  
TAGS: [PGOV](#) [KJUS](#) [PREL](#) [KIRF](#) [KISL](#) [ID](#)  
SUBJECT: NEW LEADER OF KEY COURT TAKES A STAND AGAINST  
SHARIA LAWS

REF: A. JAKARTA 1582  
[1](#)B. JAKARTA 1434

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The newly appointed Constitutional Court Chief Justice spoke to military officers on August 22 on the importance of upholding the Indonesian Constitution and opposing Sharia-based ordinances put in place by local bodies. In his speech, he explained that these Sharia-based ordinances were divisive and that respecting human rights was mandated in the Indonesian Constitution. The Chief Justice's remarks--which netted considerable press coverage--were well-received on the liberal end of the spectrum and were a sign that he plans to make a mark. END SUMMARY.

CHIEF JUSTICE'S SPEECH

[1](#)2. (SBU) The new leader of a key Indonesian court has given an important speech. On August 22, the newly sworn-in Chief Justice (ref A) of the Constitutional Court, Mohammad Mahfud Mahmodin (known as Mahfud) addressed members of the Indonesian Military (TNI) at a three-day human rights training program in Jakarta. The Chief Justice was invited to speak to approximately 200 middle and senior military officers by the head of the TNI, General Djoko Santoso. The program focused on the Indonesian Constitution and the principles of human rights.

QUESTIONING SHARIA INSPIRED BYLAWS

[1](#)3. (SBU) During his speech, Mahfud addressed the constitutionality and legality of Sharia bylaws. The Chief Justice explained that laws should strengthen democracy and promote religious tolerance and should not be enacted simply to cater to a region's religious demographic. He elaborated that Sharia based ordinances threatened national integrity, ran counter to Pancasila and the state principles of social justice. They also discriminated against minority groups.

(Note: Pancasila is Indonesia's nationalist code, which does not recognize any one religion as official, but several.)

¶4. (SBU) Background: Sharia is a system of Islamic principles of jurisprudence governing the daily life of Muslims. Various Indonesian localities have passed Sharia-based bylaws in recent years. Sometimes these laws are enforced and sometimes not. The Home Ministry is currently reviewing 37 Sharia-based local regulations including those requiring Koran literacy for students and brides, enforcing an Islamic dress code on Muslim women and skewed anti-prostitution regulations. Critics of the ordinances loudly charge, among other things, that the bylaws were drafted by politicians in order to court Muslim votes and that they infringe on religious freedom.

REMINDS MILITARY TO RESPECT HUMAN RIGHTS

¶5. (SBU) The Constitutional Court chief also expressed support for training in raising TNI officers' awareness of human rights. He stressed that violating human rights principles meant violating the Constitution. General Santoso, who had specifically invited the new Chief Justice to speak to the group, reinforced these sentiments in introductory remarks.

A WELL RECEIVED SPEECH

¶6. (U) The Chief Justice's speech was well-received by human rights activists and constitutional law experts. The Human

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Rights Working Group, a coalition of non-governmental human rights organizations, as well as Irman Putra Sidin, a constitutional law expert, praised the Chief Justice and pledged their support of his views. Senior Golkar Party lawmaker Theo Sambuaga also publicly stated his support of Mahfud. Islamic-oriented groups did not immediately respond.

¶7. (C) The TNI conference was one of the first public engagements of the new Constitutional Court Chief Justice and confirmed his reputation as a moderate and pragmatist. His invitation to speak, coming directly from TNI Commander Santoso, is further confirmation of the TNI's support for Indonesian democracy and tolerance. Mahfud, in making these remarks just several days after his selection as chief justice, clearly signaled his intention to make a mark.

HUME